

In re) Fair Hearing No. 11,742
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Appeal of)

The petitioner appeals the decision by the Department of Social Welfare reducing his food stamps. The issue is whether the Department's decision is in accord with the pertinent regulations considering a recent increase in the petitioner's monthly income.

The facts are not in dispute. Effective January 1, 1993, the petitioner's social security benefits increased from \$330.30 to \$340.20 per month. This resulted in a decrease (effective February 1, 1993) in the petitioner's food stamps from \$191 to \$186 per month. The petitioner does not dispute that the Department correctly determined his income and calculated his food stamp benefits based on existing regulations and procedures. His appeal is based on his disagreement with the federal policy that, in effect, offsets cost of living increases in social security with deductions in food stamps.

The Department's decision is affirmed.

REASONS

As noted above, the petitioner does not dispute that the decision in his case is in accord with the pertinent regulations. See Food Stamp Manual § 273.9. Therefore, the Board is bound by law to affirm that decision.¹ 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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¹At the hearing (held on February 5, 1993) the hearing officer informed the petitioner that although he believes that the petitioner's argument is well taken, because the food stamp regulations are based on federal statutes, only the U.S. Congress is empowered to make the changes the petitioner seeks.